

Comparison of the State Sediment, Erosion, & Flood Control Program & the NPDES Storm Water Program as of 11/06/2001

Description	Sediment, Erosion & Flood Control Program	NPDES Storm Water Program
State Legislation	1991 Storm Water Management and Sediment Reduction Act	SC Pollution Control Act
Federal Legislation	None	1987 Clean Water Act Amendments
State Regulation	Regulation 72-300	Regulation 61-9.122.26
Federal Regulation	None	40 CFR 122.26
Applicability	Any land disturbing activity (2 acres or less are required to submit a simplified SWPPP but a permit is not required - must comply with BMP requirements of the program at the site)	Land disturbing activities of 5 acres or more. Beginning March 10, 2003, New Federal Regulations take this down to 1 acre with less than 1 acre on a case by case basis.
Exemptions: 1. Single family lots 2. Agricultural activity 3. Gas, electric, and communication utilities 4. Mines permitted under the SC Mining Act 5. Dams permitted under the SC Dams & Reservoir Safety Act 6. Forestry Activity	Yes Yes Yes Yes Yes Yes	No Yes No No No Yes
Key Program Components: 1. SWPPP (Storm Water Pollution Prevention Plan) 2. Flood control 3. Storm water utility 4. Program delegation to a local entity 5. Temporary sediment pond required if 10 or more acres are disturbed	Yes Yes, post dev. runoff rate can't exceed pre dev. runoff rate for 2&10 yr storms Yes Yes Yes	Yes No No No, but Municipal Systems will have to regulate under the MS4 program. Yes

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General Permit	Allowed by regulation, but only for federal or local governments and special or public service districts	Yes, for any construction activity.
Submission Requirements: 1. Application form 2. SWPPP 3. Design calculations 4. Computer modeling 5. Site plan 6. Application fee	Yes Yes Yes Yes Yes Yes - \$100/Disturbed Acre - not to exceed \$2,000 (Federal, State, & Local Governments & School Districts are exempt)	NOI for General & 2F for Individual Yes Yes No Yes For general permit coverage: <i>if the Sediment, Erosion, and Flood Control Program also applies</i> , a one time operational fee of \$125 must be paid before general permit coverage is granted and; or <i>if only the NPDES permit program applies</i> , a one time operational fee of \$125 plus an application fee of \$100 per disturbed acre not to exceed \$2000 must be paid before general permit coverage is granted. For an individual NPDES Permit, there is no application fee but the first year's operating fee must be paid before the permit is issued.
Public Notice Requirements	None	None for granting General Permit Coverage for a site. The General Permit and an Individual NPDES Permit must be public noticed for thirty days. A public hearing is required when there is significant public interest.
Operating Fees	None	For General Permit coverage, the one time operational fee of \$125. For Individual Permit, \$400 per year.

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Start of Construction	After Letter of Approval	For General Permit Coverage, after letter of approval on SWPPP; For an individual NPDES permit, when permit is issued and effective.
Self Inspections	None Required	Required every 7 days and after rainfall event of ½ inch or greater.
Record Keeping	None Required	Yes, SWPPP & inspection results.
Penalties	up to \$1,000 per day	Civil: up to \$10,000 per day. Criminal: up to \$25,000 per day.